

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

ABBOTT GMBH & CO., KG,	)	
ABBOTT BIORESEARCH CENTER, INC.,	)	
AND ABBOTT BIOTECHNOLOGY LTD.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	C.A. No. 4:09-CV-11340 (FDS)
	)	
CENTOCOR ORTHO BIOTECH, INC. AND	)	
CENTOCOR BIOLOGICS, LLC,	)	JURY TRIAL DEMANDED
	)	
Defendant.	)	

**DEFENDANTS' MOTION FOR LEAVE TO FILE AMENDED PRELIMINARY  
INVALIDITY AND NON-INFRINGEMENT CONTENTIONS**

Centocor seeks leave to amend its Preliminary Invalidity and Non-Infringement Contentions, in the form attached as Exhibit A to this motion.

First, Centocor seeks leave to add an additional prior art reference that was identified during discovery (Tomlinson et al., J. Mol. Biol. 256:813 (1996)). Abbott has stated that it does not oppose this motion as it applies to this amendment.

Second, Centocor seeks leave to amend its non-infringement contentions to state that the accused product is not a “human antibody” as defined by the asserted patents. Centocor respectfully contends that there is good cause for this amendment in light of facts that arose during discovery in this case, for the reasons set forth in Centocor’s Memorandum of Law in Support of Motion to Amend Claim Construction Pleadings filed with the Court on February 22.

Respectfully submitted,

Date: February 23, 2010

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CENTOCOR BIOLOGICS, LLC

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing Defendants' Motion For Leave To File Amended Preliminary Invalidity and Non-Infringement Contentions was electronically mailed to counsel of record on February 23, 2010 through the Court's ECF notification system.

A handwritten signature in black ink, appearing to read "Angela Verrecchio", written over a horizontal line.

Angela Verrecchio